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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 6 2004

GROUP 3600

In re application: Shrader et al.

Serial No.: 09/578,751

Filed: May 25, 2000

For: Client-Side Pricing Agent for
Collecting and Managing Product
Price Information Over the Internet

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Group Art Unit: 3627

Examiner: Fischer, Andrew J.

Attorney Docket No.: AUS000168US1

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 25, 2004.
By: Krista Douthitt
Krista Douthitt

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

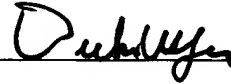
I hereby petition to withdraw the holding of abandonment in this case, on the basis that the reply forming the basis of the abandonment was in fact mailed to the USPTO. I hereby state that a Notice of Appeal was filed in this case on February 5, 2004 in timely response to the Final Office Action mailed on November 6, 2003.

I attach a copy of the Notice of Appeal and a copy of the USPTO fax confirmation receipt.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and prosecution be re-opened.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
972/367-2001
Attorney for Applicants



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Attorney Docket No.: AUS000168US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on February 5, 2004.

By:

Krista Douthitt

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated November 6, 2003 finally rejecting claims 1-15.

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Duke W. Yee
Reg. No. 34,285
CARSTENS YEE & CAHOON, LLP
P.O. Box 802334
Dallas, Texas 75380
(972) 367-2001
ATTORNEY FOR APPLICANTS

07/30/2004 SCALLIHA 00000001 090447 09578751

01 FC:1401 330.00 DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 6 2004

GROUP 3600

Application of: Shrader et al.

Serial No.: 09/578,751

Filed: May 25, 2000

For: Client-Side Pricing Agent for
Collecting and Managing Product
Price Information Over the Internet

§ Group Art Unit: 3627

§ Examiner: Fischer, Andrew J.

§ Attorney Docket No.: AUS000168US1

§ **Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

I hereby certify this correspondence is being transmitted via
facsimile to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, facsimile number (703) 872-9306 on
February 5, 2004.

By: 

Krista Douthitt

TRANSMITTAL DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

35525

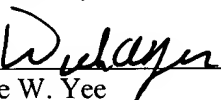
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

Sir:
ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0447.

Respectfully submitted,


Duke W. Yee

Registration No. 34,285

CARSTENS, YEE & CAHOON, LLP

P.O. Box 802334

Dallas, Texas 75380

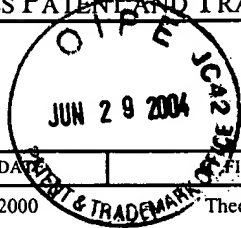
(972) 367-2001

ATTORNEY FOR APPLICANTS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,751	05/25/2000	Theodore Jack London Shrader	AUS000168US1	6562

35525 7590 06/14/2004
DUKE W. YEE
CARSTENS, YEE & CAHOON, L.L.P.
P.O. BOX 802334
DALLAS, TX 75380

EXAMINER

FISCHER, ANDREW J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/14/2004

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GROUP 3600

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/578,751

Examiner

Andrew J. Fischer

Applicant(s)

SHRADER ET AL.

Art Unit

3627

WV

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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JUL 6 2004

GROUP 3600

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 November 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AFischer 6/1/04

Andrew J. Fischer
Examiner
Art Unit: 3627

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TO: Auto-reply fax to 972 367 2002 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 972 367 2002

Fax Information

Date Received:

2/5/2004 11:15:13 AM [Eastern Standard Time]

Total Pages:

3 (including cover page)

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Received
Cover
Page

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Feb 05 04 10:23a

Krista Douthitt

972-367-2002

p. 1

Carstens,
Yee &
Cahoon, L.L.P.

13760 Noel Road
Suite 900
Dallas, Texas 75240

Main No. (972) 367-2001
Facsimile (972) 367-2002

Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Andrew J. Fischer Group Art Unit 3627	Facsimile No.: 703/872-9306
From: Krista Douthitt Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Notice of Appeal.	
Re: Application No. 09/578,751 Attorney Docket No: AUS000168US1	
Date: Thursday, February 05, 2004	
Please contact us at (972) 367-2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.	This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.

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BY FAXING A CONFIRMATION TO 972-367-2002.

**Carstens,
Yee &
Cahoon, L.L.P.**

13760 Noel Road
Suite 900
Dallas, Texas 75240

Main No. (972) 367-2001
Facsimile (972) 367-2002

Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Andrew J. Fischer Group Art Unit 3627	Facsimile No.: 703/872-9306
From: Krista Douthitt Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
<p>Message:</p> <p>Enclosed herewith:</p> <ul style="list-style-type: none">• Transmittal Document; and• Notice of Appeal.	
<p>Re: Application No. 09/578,751 Attorney Docket No: AUS000168US1</p>	
<p>Date: Thursday, February 05, 2004</p>	
<p>Please contact us at (972) 367-2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</p>	<p><i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i></p>

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Personal Printer/Fax/Copier/Scanner

Fax History Report for
Krista Douthitt
972-367-2002
Feb 05 2004 10:24am

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Feb 5	10:23am	Sent	17038729306-2999	1:03	3	OK

Result:

OK - black and white fax
OK color - color fax



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3627
161

In re application of: **Shrader et al.**

Serial No.: **09/578,751**

Filed: **May 25, 2000**

For: **Client-Side Pricing Agent for
Collecting and Managing Product Price
Information Over the Internet**

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

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Group Art Unit: **3627**

Examiner: **Fischer, Andrew J.**

Attorney Docket No.: **AUS0001681**

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By: _____

Krista Douthitt
Krista Douthitt

TRANSMITTAL DOCUMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ENCLOSED HEREWITH:

- Petition to Withdraw Holding of Abandonment;
- Copy of Notice of Appeal filed on February 5, 2004;
- Copy of USPTO fax confirmation receipt;
- Copy of Notice of Abandonment; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Duke W. Yee

Duke W. Yee

Registration No. 34,285

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 367-2001

ATTORNEY FOR APPLICANTS